

Calendar No. 723

106TH CONGRESS
2^D SESSION

S. 2508

To amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2000

Mr. CAMPBELL (for himself, Mr. ALLARD, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

JULY 26, 2000

Reported by Mr. CAMPBELL, without amendment

JULY 26, 2000

Referred to the Committee on Energy and Natural Resources pursuant to the order of June 23, 2000, for a period not to exceed 30 calendar days

JULY 26, 2000

Committee on Energy and Natural Resources discharged pursuant to the order on June 23, 2000, and placed on the calendar

A BILL

To amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Colorado Ute Settlement Act Amendments of 2000”.

6 (b) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) In order to provide for a full and final set-
9 tlement of the claims of the Colorado Ute Indian
10 Tribes on the Animas and La Plata Rivers, the
11 Tribes, the State of Colorado, and certain of the
12 non-Indian parties to the Agreement have proposed
13 certain modifications to the Colorado Ute Indian
14 Water Rights Settlement Act of 1988 (Public Law
15 100–585; 102 Stat. 2973).

16 (2) The claims of the Colorado Ute Indian
17 Tribes on all rivers in Colorado other than the
18 Animas and La Plata Rivers have been settled in ac-
19 cordance with the provisions of the Colorado Ute In-
20 dian Water Rights Settlement Act of 1988 (Public
21 Law 100–585; 102 Stat. 2973).

22 (3) The Indian and non-Indian communities of
23 southwest Colorado and northwest New Mexico will
24 be benefited by a settlement of the tribal claims on
25 the Animas and La Plata Rivers that provides the

1 Tribes with a firm water supply without taking
2 water away from existing uses.

3 (4) The Agreement contemplated a specific
4 timetable for the delivery of irrigation and municipal
5 and industrial water and other benefits to the Tribes
6 from the Animas-La Plata Project, which timetable
7 has not been met. The provision of irrigation water
8 can not presently be satisfied under the current im-
9 plementation of the Federal Water Pollution Control
10 Act (33 U.S.C. 1251 et seq.) and the Endangered
11 Species Act of 1973 (16 U.S.C. 1531 et seq.).

12 (5) In order to meet the requirements of the
13 Endangered Species Act of 1973 (16 U.S.C. 1531 et
14 seq.), and in particular the various biological opin-
15 ions issued by the Fish and Wildlife Service, the
16 amendments made by this Act are needed to provide
17 for a significant reduction in the facilities and water
18 supply contemplated under the Agreement.

19 (6) The substitute benefits provided to the
20 Tribes under the amendments made by this Act, in-
21 cluding the waiver of capital costs and the provisions
22 of funds for natural resource enhancement, result in
23 a settlement that provides the Tribes with benefits
24 that are equivalent to those that the Tribes would
25 have received under the Colorado Ute Indian Water

1 Rights Settlement Act of 1988 (Public Law 100–
2 585; 102 Stat. 2973).

3 (7) The requirement that the Secretary of the
4 Interior comply with the National Environmental
5 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and
6 other national environmental laws before imple-
7 menting the proposed settlement will ensure that the
8 satisfaction of the tribal water rights is accomplished
9 in an environmentally responsible fashion.

10 (8) Federal courts have considered the nature
11 and the extent of Congressional participation when
12 reviewing Federal compliance with the requirements
13 of the National Environmental Policy Act of 1969
14 (42 U.S.C. 4321 et seq.).

15 (9) In considering the full range of alternatives
16 for satisfying the water rights claims of the South-
17 ern Ute Indian Tribe and Ute Mountain Ute Indian
18 Tribe, Congress has held numerous legislative hear-
19 ings and deliberations, and reviewed the considerable
20 record including the following documents:

21 (A) The Final EIS No. INT–FES–80–18,
22 dated July 1, 1980.

23 (B) The Draft Supplement to the FES No.
24 INT–DES–92–41, dated October 13, 1992.

1 (C) The Final Supplemental to the FES
2 No. 96–23, dated April 26, 1996;

3 (D) The Draft Supplemental EIS, dated
4 January 14, 2000.

5 (c) DEFINITIONS.—In this Act:

6 (1) AGREEMENT.—The term “Agreement” has
7 the meaning given that term in section 3(1) of the
8 Colorado Ute Indian Water Rights Settlement Act of
9 1988 (Public Law 100–585; 102 Stat. 2973).

10 (2) ANIMAS-LA PLATA PROJECT.—The term
11 “Animas-La Plata Project” has the meaning given
12 that term in section 3(2) of the Colorado Ute Indian
13 Water Rights Settlement Act of 1988 (Public Law
14 100–585; 102 Stat. 2973).

15 (3) DOLORES PROJECT.—The term “Dolores
16 Project” has the meaning given that term in section
17 3(3) of the Colorado Ute Indian Water Rights Set-
18 tlement Act of 1988 (Public Law 100–585; 102
19 Stat. 2974).

20 (4) TRIBE; TRIBES.—The term “tribe” or
21 “tribes” has the meaning given that term in section
22 3(6) of the Colorado Ute Indian Water Rights Set-
23 tlement Act of 1988 (Public Law 100–585; 102
24 Stat. 2974).

1 **SEC. 2. AMENDMENTS TO SECTION 6 OF THE COLORADO**
 2 **UTE INDIAN WATER RIGHTS SETTLEMENT**
 3 **ACT OF 1988.**

4 Subsection (a) of section 6 of the Colorado Ute In-
 5 dian Water Rights Settlement Act of 1988 (Public Law
 6 100–585; 102 Stat. 2975) is amended to read as follows:

7 “(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL
 8 WATER.—

9 “(1) FACILITIES.—

10 “(A) IN GENERAL.—After the date of en-
 11 actment of this subsection, but prior to January
 12 1, 2005, the Secretary, in order to settle the
 13 outstanding claims of the Tribes on the Animas
 14 and La Plata Rivers, acting through the Bu-
 15 reau of Reclamation, is specifically authorized
 16 to—

17 “(i) complete construction of, and op-
 18 erate and maintain, a reservoir, a pumping
 19 plant, a reservoir inlet conduit, and appur-
 20 tenant facilities with sufficient capacity to
 21 divert and store water from the Animas
 22 River to provide for an average annual de-
 23pletion of 57,100 acre-feet of water to be
 24 used for a municipal and industrial water
 25 supply, which facilities shall—

1 “(I) be designed and operated in
2 accordance with the hydrologic regime
3 necessary for the recovery of the en-
4 dangered fish of the San Juan River
5 as determined by the San Juan River
6 Recovery Implementation Program;

7 “(II) include an inactive pool of
8 an appropriate size to be determined
9 by the Secretary following the comple-
10 tion of required environmental compli-
11 ance activities; and

12 “(III) include those recreation fa-
13 cilities determined to be appropriate
14 by agreement between the State of
15 Colorado and the Secretary that shall
16 address the payment of any of the
17 costs of such facilities by the State of
18 Colorado in addition to the costs de-
19 scribed in paragraph (3); and

20 “(ii) deliver, through the use of the
21 project components referred to in clause
22 (i), municipal and industrial water
23 allocations—

24 “(I) with an average annual de-
25 pletion not to exceed 16,525 acre-feet

1 of water, to the Southern Ute Indian
2 Tribe for its present and future needs;

3 “(II) with an average annual de-
4pletion not to exceed 16,525 acre-feet
5 of water, to the Ute Mountain Ute In-
6dian Tribe for its present and future
7 needs;

8 “(III) with an average annual de-
9pletion not to exceed 2,340 acre-feet
10 of water, to the Navajo Nation for its
11 present and future needs;

12 “(IV) with an average annual de-
13pletion not to exceed 10,400 acre-feet
14 of water, to the San Juan Water
15 Commission for its present and future
16 needs;

17 “(V) with an average annual de-
18pletion of an amount not to exceed
19 2,600 acre-feet of water, to the
20 Animas-La Plata Conservancy Dis-
21 trict for its present and future needs;

22 “(VI) with an average annual de-
23pletion of an amount not to exceed
24 5,230 acre-feet of water, to the State

1 of Colorado for its present and future
2 needs; and

3 “(VII) with an average annual
4 depletion of an amount not to exceed
5 780 acre-feet of water, to the La
6 Plata Conservancy District of New
7 Mexico for its present and future
8 needs.

9 “(B) APPLICABILITY OF OTHER FEDERAL
10 LAW.—The responsibilities of the Secretary de-
11 scribed in subparagraph (A) are subject to the
12 requirements of Federal laws related to the pro-
13 tection of the environment and otherwise appli-
14 cable to the construction of the proposed facili-
15 ties, including the National Environmental Pol-
16 icy Act of 1969 (42 U.S.C. 4321 et seq.), the
17 Clean Water Act (42 U.S.C. 7401 et seq.), and
18 the Endangered Species Act of 1973 (16 U.S.C.
19 1531 et seq.). Nothing in this Act shall be con-
20 strued to predetermine or otherwise affect the
21 outcome of any analysis conducted by the Sec-
22 retary or any other Federal official under appli-
23 cable laws.

24 “(C) LIMITATION.—

1 “(i) IN GENERAL.—If constructed, the
2 facilities described in subparagraph (A)
3 shall not be used in conjunction with any
4 other facility authorized as part of the
5 Animas-La Plata Project without express
6 authorization from Congress.

7 “(ii) CONTINGENCY IN APPLICA-
8 TION.—If the facilities described in sub-
9 paragraph (A) are not constructed and op-
10 erated, clause (i) shall not take effect.

11 “(2) TRIBAL CONSTRUCTION COSTS.—Construc-
12 tion costs allocable to the facilities that are required
13 to deliver the municipal and industrial water alloca-
14 tions described in subclauses (I), (II) and (III) of
15 paragraph (1)(A)(ii) shall be nonreimbursable to the
16 United States.

17 “(3) NONTRIBAL WATER CAPITAL OBLIGA-
18 TIONS.—Under the provisions of section 9 of the Act
19 of August 4, 1939 (43 U.S.C. 485h), the nontribal
20 municipal and industrial water capital repayment
21 obligations for the facilities described in paragraph
22 (1)(A)(i) may be satisfied upon the payment in full
23 of the nontribal water capital obligations prior to the
24 initiation of construction. The amount of the obliga-
25 tions described in the preceding sentence shall be de-

1 terminated by agreement between the Secretary of the
2 Interior and the entity responsible for such repay-
3 ment as to the appropriate reimbursable share of the
4 construction costs allocated to that entity's munic-
5 ipal water supply. Such agreement shall take into
6 account the fact that the construction of facilities to
7 provide irrigation water supplies from the Animas-
8 La Plata Project is not authorized under paragraph
9 (1)(A)(i) and no costs associated with the design or
10 development of such facilities, including costs associ-
11 ated with environmental compliance, shall be allo-
12 cable to the municipal and industrial users of the
13 facilities authorized under such paragraph.

14 “(4) TRIBAL WATER ALLOCATIONS.—

15 “(A) IN GENERAL.—With respect to mu-
16 nicipal and industrial water allocated to a Tribe
17 from the Animas-La Plata Project or the Dolo-
18 res Project, until that water is first used by a
19 Tribe or used pursuant to a water use contract
20 with the Tribe, the Secretary shall pay the an-
21 nual operation, maintenance, and replacement
22 costs allocable to that municipal and industrial
23 water allocation of the Tribe.

24 “(B) TREATMENT OF COSTS.—A Tribe
25 shall not be required to reimburse the Secretary

1 for the payment of any cost referred to in sub-
2 paragraph (A).

3 “(5) REPAYMENT OF PRO RATA SHARE.—Upon
4 a Tribe’s first use of an increment of a municipal
5 and industrial water allocation described in para-
6 graph (4), or the Tribe’s first use of such water pur-
7 suant to the terms of a water use contract—

8 “(A) repayment of that increment’s pro
9 rata share of those allocable construction costs
10 for the Dolores Project shall be made by the
11 Tribe; and

12 “(B) the Tribe shall bear a pro rata share
13 of the allocable annual operation, maintenance,
14 and replacement costs of the increment as re-
15 ferred to in paragraph (4).”.

16 **SEC. 3. COMPLIANCE WITH THE NATIONAL ENVIRON-**
17 **MENTAL POLICY ACT OF 1969.**

18 Section 6 of the Colorado Ute Indian Water Rights
19 Settlement Act of 1988 (Public Law 100–585; 102 Stat.
20 2975) is amended by adding at the end the following:

21 “(i) COMPLIANCE WITH THE NATIONAL ENVIRON-
22 MENTAL POLICY ACT OF 1969.—

23 “(1) AUTHORITY.—Nothing in this Act shall be
24 construed to alter, amend, or modify the authority
25 or discretion of the Secretary or any other Federal

1 official under the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.) or any other Fed-
3 eral law.

4 “(2) DETERMINATION OF CONGRESS.—Subject
5 to paragraph (3), in any defense to a challenge of
6 the Final Environmental Impact Statement prepared
7 pursuant to the Notice of Intent to Prepare a Draft
8 Environmental Impact Statement, as published in
9 the Federal Register on January 4, 1999 (64 Fed
10 Reg 176–179), or the compliance with the National
11 Environmental Policy Act of 1969 (42 U.S.C. 4321
12 et seq.) or the Federal Water Pollution Control Act
13 (33 U.S.C. 1251 et seq.), and in addition to the
14 Record of Decision and any other documents or ma-
15 terials submitted in defense of its decision, the
16 United States may assert in its defense that Con-
17 gress, based upon the deliberations and review de-
18 scribed in paragraph (9) of section 1(b) of the Colo-
19 rado Ute Settlement Act Amendments of 2000, has
20 determined that the alternative described in such
21 Final Statement meets the Federal government’s
22 water supply obligations to the Ute tribes under this
23 Act in a manner that provides the most benefits to,
24 and has the least impact on, the quality of the
25 human environment.

1 “(3) APPLICATION OF PROVISION.—This sub-
 2 section shall only apply if Alternative #4, as pre-
 3 sented in the Draft Supplemental Environmental
 4 Impact Statement dated January 14, 2000, or an al-
 5 ternative substantially similar to Alternative #4, is
 6 selected by the Secretary.

7 “(4) NO EFFECT OF MODIFICATION OF FACILI-
 8 TIES.—The application of this section shall not be
 9 affected by a modification of the facilities described
 10 in subsection (a)(1)(A)(i) to address the provisions
 11 in the San Juan River Recovery Implementation
 12 Program.”.

13 **SEC. 4. COMPLIANCE WITH THE ENDANGERED SPECIES**
 14 **ACT OF 1973.**

15 Section 6 of the Colorado Ute Indian Water Rights
 16 Settlement Act of 1988 (Public Law 100–585; 102 Stat.
 17 2975), as amended by section 3, is amended by adding
 18 at the end the following:

19 “(j) COMPLIANCE WITH THE ENDANGERED SPECIES
 20 ACT OF 1973.—

21 “(1) AUTHORITY.—Nothing in this section shall
 22 be construed to alter, amend, or modify the author-
 23 ity or discretion of the Secretary or any other Fed-
 24 eral official under the Endangered Species Act of

1 1973 (16 U.S.C. 1531 et seq.) or any other Federal
2 law.

3 “(2) DETERMINATION OF CONGRESS.—Subject
4 to paragraph (3), in any defense to a challenge of
5 the Biological Opinion resulting from the Bureau of
6 Reclamation Biological Assessment, January 14,
7 2000, or the compliance with the Endangered Spe-
8 cies Act of 1973 (16 U.S.C. 1531 et seq.), and in
9 addition to the Record of Decision and any other
10 documents or materials submitted in defense of its
11 decision, the United States may assert in its defense
12 that Congress, based on the deliberations and review
13 described in paragraph (9) of section 1(b) of the
14 Colorado Ute Settlement Act Amendments of 2000,
15 has determined that constructing and operating the
16 facilities described in subsection (a)(1)(A)(i) meets
17 the Federal government’s water supply obligation to
18 the Ute tribes under that Act without violating the
19 Endangered Species Act of 1973 (16 U.S.C. 1531
20 et seq.).

21 “(3) APPLICATION OF PROVISION.—This sub-
22 section shall only apply if the Biological Opinion re-
23 ferred to in paragraph (2) or any reasonable and
24 prudent alternative suggested by the Secretary pur-
25 suant to section 7 of the Endangered Species Act of

1 1973 (16 U.S.C. 1536) authorizes an average an-
 2 nual depletion of at least 57,100 acre-feet of water.

3 “(4) NO EFFECT OF MODIFICATION OF FACILI-
 4 TIES.—The application of this subsection shall not
 5 be affected by a modification of the facilities de-
 6 scribed in subsection (a)(1)(A)(i) to address the pro-
 7 visions in the San Juan River Recovery Implementa-
 8 tion Program.”.

9 **SEC. 5. MISCELLANEOUS.**

10 The Colorado Ute Indian Water Rights Settlement
 11 Act of 1988 (Public Law 100–585; 102 Stat. 2973) is
 12 amended by adding at the end the following:

13 **“SEC. 15. NEW MEXICO AND NAVAJO NATION WATER**
 14 **MATTERS.**

15 “(a) ASSIGNMENT OF WATER PERMIT.—Upon the
 16 request of the State Engineer of the State of New Mexico,
 17 the Secretary shall, in a manner consistent with applicable
 18 State law, assign, without consideration, to the New Mex-
 19 ico Animas-La Plata Project beneficiaries or the New
 20 Mexico Interstate Stream Commission any portion of the
 21 Department of the Interior’s interest in New Mexico Engi-
 22 neer Permit Number 2883, dated May 1, 1956, in order
 23 to fulfill the New Mexico purposes of the Animas-La Plata
 24 Project, so long as the permit assignment does not affect

1 the application of the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.) to the use of the water involved.

3 “(b) NAVAJO NATION MUNICIPAL PIPELINE.—The
4 Secretary may construct a water line to augment the exist-
5 ing system that conveys the municipal water supplies, in
6 an amount not less than 4,680 acre-feet per year, of the
7 Navajo Nation to the Navajo Indian Reservation at
8 Shiprock, New Mexico. The Secretary shall comply with
9 all applicable environmental laws with respect to such
10 water line. Construction costs allocated to the Navajo Na-
11 tion for such water line shall be nonreimbursable to the
12 United States.

13 “(c) PROTECTION OF NAVAJO WATER CLAIMS.—
14 Nothing in this Act shall be construed to quantify or oth-
15 erwise adversely affect the water rights and the claims of
16 entitlement to water of the Navajo Nation.

17 **“SEC. 16. TRIBAL RESOURCE FUNDS.**

18 “(a) ESTABLISHMENT.—

19 “(1) AUTHORIZATION OF APPROPRIATIONS.—

20 There is authorized to be appropriated to carry out
21 this section, \$20,000,000 for fiscal year 2001 and
22 \$20,000,000 for fiscal year 2002. Not later than 60
23 days after amounts are appropriated and available
24 to the Secretary for a fiscal year under this para-
25 graph, the Secretary shall make a payment to each

1 of the Tribal Resource Funds established under
2 paragraph (2). Each such payment shall be equal to
3 50 percent of the amount appropriated for the fiscal
4 year involved.

5 “(2) FUNDS.—The Secretary shall establish
6 a—

7 “(A) Southern Ute Tribal Resource Fund;
8 and

9 “(B) Ute Mountain Ute Tribal Resource
10 Fund.

11 A separate account shall be maintained for each
12 such Fund.

13 “(b) ADJUSTMENT.—To the extent that the amount
14 appropriated under subsection (a)(1) in any fiscal year is
15 less than the amount authorized for such fiscal year under
16 such subsection, the Secretary shall, subject to the avail-
17 ability of appropriations, pay to each of the Tribal Reserve
18 Funds an adjustment amount equal to the interest income,
19 as determined by the Secretary in his or her sole discre-
20 tion, that would have been earned on the amount author-
21 ized but not appropriated under such subsection had that
22 amount been placed in the Fund as required under such
23 subsection.

24 “(c) TRIBAL DEVELOPMENT.—

1 “(1) INVESTMENT.—The Secretary shall, in the
2 absence of an approved tribal investment plan pro-
3 vided for under paragraph (2), invest the amount in
4 each Tribal Resource Fund in accordance with the
5 Act entitled, ‘An Act to authorize the deposit and in-
6 vestment of Indian funds’ approved June 24, 1938
7 (25 U.S.C. 162a). The Secretary shall disburse, at
8 the request of a Tribe, the principal and income in
9 its Resource Fund, or any part thereof, in accord-
10 ance with a resource acquisition and enhancement
11 plan approved under paragraph (3).

12 “(2) INVESTMENT PLAN.—

13 “(A) IN GENERAL.—In lieu of the invest-
14 ment provided for in paragraph (1), a Tribe
15 may submit a tribal investment plan applicable
16 to all or part of the Tribe’s Tribal Resource
17 Fund.

18 “(B) APPROVAL.—Not later than 60 days
19 after the date on which an investment plan is
20 submitted under subparagraph (A), the Sec-
21 retary shall approve such investment plan if the
22 Secretary finds that the plan is reasonable and
23 sound. If the Secretary does not approve such
24 investment plan, the Secretary shall set forth in
25 writing and with particularity the reasons for

1 such disapproval. If such investment plan is ap-
2 proved by the Secretary, the Tribal Resource
3 Fund involved shall be disbursed to the Tribe to
4 be invested by the Tribe in accordance with the
5 approved investment plan.

6 “(C) COMPLIANCE.—The Secretary may
7 take such steps as the Secretary determines to
8 be necessary to monitor the compliance of a
9 Tribe with an investment plan approved under
10 subparagraph (B). The United States shall not
11 be responsible for the review, approval, or audit
12 of any individual investment under the plan.
13 The United States shall not be directly or indi-
14 rectly liable with respect to any such invest-
15 ment, including any act or omission of the
16 Tribe in managing or investing such funds.

17 “(D) ECONOMIC DEVELOPMENT PLAN.—
18 The principal and income derived from tribal
19 investments under an investment plan approved
20 under subparagraph (B) shall be subject to the
21 provisions of this section and shall be expended
22 only in accordance with an economic develop-
23 ment plan approved under paragraph (3).

24 “(3) ECONOMIC DEVELOPMENT PLAN.—

1 “(A) IN GENERAL.—Each Tribe shall sub-
2 mit to the Secretary a resource acquisition and
3 enhancement plan for all or any portion of its
4 Tribal Resource Fund.

5 “(B) APPROVAL.—Not later than 60 days
6 after the date on which a plan is submitted
7 under subparagraph (A), the Secretary shall ap-
8 prove such investment plan if the Secretary
9 finds that the plan is reasonably related to the
10 protection, acquisition, enhancement, or devel-
11 opment of natural resources for the benefit of
12 the Tribe and its members. If the Secretary
13 does not approve such plan, the Secretary shall,
14 at the time of such determination, set forth in
15 writing and with particularity the reasons for
16 such disapproval.

17 “(C) MODIFICATION.—Subject to the ap-
18 proval of the Secretary, each Tribe may modify
19 a plan approved under subparagraph (B).

20 “(D) LIABILITY.—The United States shall
21 not be directly or indirectly liable for any claim
22 or cause of action arising from the approval of
23 a plan under this paragraph, or from the use
24 and expenditure by the Tribe of the principal or
25 interest of the Funds.

1 “(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—

2 No part of the principal contained in the Tribal Resource
3 Fund, or of the income accruing to such funds, or the rev-
4 enue from any water use contract, shall be distributed to
5 any member of either Tribe on a per capita basis.

6 “(e) LIMITATION ON SETTING ASIDE FINAL CON-

7 SENT DECREE.—Neither the Tribes nor the United States
8 shall have the right to set aside the final consent decree
9 solely because the requirements of subsection (c) are not
10 complied with or implemented.

11 **“SEC. 17. COLORADO UTE SETTLEMENT FUND.**

12 “(a) ESTABLISHMENT OF FUND.—There is hereby

13 established within the Treasury of the United States a
14 fund to be known as the ‘Colorado Ute Settlement Fund’.

15 “(b) AUTHORIZATION OF APPROPRIATIONS.—There

16 is authorized to be appropriated to the Colorado Ute Set-
17 tlement Fund such funds as are necessary to complete the
18 construction of the facilities described in section
19 6(a)(1)(A) within 6 years of the date of enactment of this
20 section. Such funds are authorized to be appropriated for
21 each of the first 5 fiscal years beginning with the first
22 full fiscal year following the date of enactment of this sec-
23 tion.

24 “(c) INTEREST.—Amounts appropriated under sub-

25 section (b) shall accrue interest, to be paid on the dates

1 that are 1, 2, 3, 4, and 5 years after the date of enactment
 2 of this section, at a rate to be determined by the Secretary
 3 of the Treasury taking into consideration the average mar-
 4 ket yield on outstanding Federal obligations of comparable
 5 maturity, except that no such interest shall be paid during
 6 any period where a binding final court order prevents con-
 7 struction of the facilities described in section 6(a)(1)(A).

8 **“SEC. 18. FINAL SETTLEMENT.**

9 “(a) IN GENERAL.—The construction of the facilities
 10 described in section 6(a)(1)(A), the allocation of the water
 11 supply from those facilities to the Tribes as described in
 12 that section, and the provision of funds to the Tribes in
 13 accordance with sections 16 and 17 shall constitute final
 14 settlement of the tribal claims to water rights on the
 15 Animas and La Plata Rivers in the State of Colorado.

16 “(b) STATUTORY CONSTRUCTION.—Nothing in this
 17 section shall be construed to affect the right of the Tribes
 18 to water rights on the streams and rivers described in the
 19 Agreement, other than the Animas and La Plata Rivers,
 20 to receive the amounts of water dedicated to tribal use
 21 under the Agreement, or to acquire water rights under the
 22 laws of the State of Colorado.

23 “(c) ACTION BY THE ATTORNEY GENERAL.—The At-
 24 torney General shall file with the District Court, Water
 25 Division Number 7, of the State of Colorado, such instru-

1 ments as may be necessary to request the court to amend
2 the final consent decree to provide for the amendments
3 made to this Act under the Colorado Ute Indian Water
4 Rights Settlement Act Amendments of 2000.

5 **“SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF**
6 **CERTAIN FUNDS.**

7 “(a) IN GENERAL.—Nothing in the amendments
8 made by the Colorado Ute Settlement Act Amendments
9 of 2000 shall be construed to affect the applicability of
10 any provision of this Act.

11 “(b) TREATMENT OF UNCOMMITTED PORTION OF
12 COST-SHARING OBLIGATION.—The uncommitted portion
13 of the cost-sharing obligation of the State of Colorado re-
14 ferred to in section 6(a)(3) shall be made available, upon
15 the request of the State of Colorado, to the State of Colo-
16 rado after the date on which payment is made of the
17 amount specified in that section.”.

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A BILL

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Committee on Energy and Natural Resources discharged pursuant to the order on June 23, 2000, and placed on the calendar